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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/672,601
Filing Date: September 26, 2003
Appellant(s): KARAOGUZ ET AL.

Joseph M. Butscher
Reg. No. 48,326
For Appellant

SUPPLEMENTAL EXAMINER'S ANSWER

This Examiner's Answer **vacates** the Examiner's Answer mailed September 29, 2008.
This Examiner's Answer replaces the previous Answer, as result is response to the
appeal brief filed August 28, 2008 appealing from the Office action mailed March 19,
2008.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

7237029	Hion et al.	6-2007
6446192	Narasimhan et al.	9-2002
6363434	Eytchison	3-2002

2004/00030541

Krzyanowski et al.

1-2004

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claims 16, 19-23, 25, 27, 29-32, 35-39, 41, 43, and 45-49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hino (7237029) in view of Narasimhan (6446192).

Regarding claims 16 and 32, Hino teaches a method for monitoring at least one media peripheral via a communication network (Column 2, lines 37 – 44), the method comprising:

identifying (Column 8, lines 1 – 4) by a first system, at a first location (Column 7, lines 1 – 6, the control device), the at least one media peripheral (Column 6, lines 65 – 67, the home appliance) communicatively coupled a second system, the second system at a second location (Column 6, lines 41 – 51, the gateway (GW) apparatus);

establishing a communication link between the first system and the at least one media peripheral (Column 8, lines 12 – 14; lines 22 – 25);

determining authorization for monitoring of the at least one media peripheral (Column 19, lines 4 – 10; lines 21 – 22);

monitoring, by the first system, at least one status parameter of the at least one media peripheral (Column 9, lines 13 – 18), if the authorization is successful (Column 8, lines 14 – 25); and

responding, by the first system, to a state of the at least one status parameter, if the authorization is successful (Column 8, lines 22 – 25).

Hino does not explicitly indicate automating the connection to the peripheral.

Narasimhan teaches a method of monitoring and controlling network devices that includes creating a program that automatically connects to the controlled devices and retrieves status information to monitor those devices (Column 5, lines 46 – 55).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use Narasimhan's teaching of creating an application that automatically retrieves status information in Hino's system to allow Hino to keep track of device status and database that information.

Regarding claims 20 and 36, Hino teaches the method of claims 16 and 32 wherein the communication link is established via a wireless connection (Column 9, lines 8 – 10).

Regarding claims 21 and 37, Hino teaches the method of claims 16 and 32 wherein the at least one status parameter comprises a battery level, an "on/off" indication, an amount of storage used, an amount of storage remaining, a "within range" indication, a software version, a model number, a serial number, and a certificate ID (Column 9, lines 17 – 18).

Regarding claims 22 and 38, Hino teaches the method of claims 16 and 32 wherein the at least one media peripheral is co-located with respect to the first system (Column 9, lines 59 – 65).

Regarding claims 23 and 39, Hino teaches the method of claims 16 and 32 wherein the at least one media peripheral is co-located with respect to the second system (Column 9, lines 59 – 65).

Regarding claims 25 and 41, Hino teaches the method of claims 16 and 32, wherein at least one of the first system and the second system comprises a personal computer based media processing system (Column 9, lines 8 – 10).

Regarding claims 27 and 43, Hino teaches the method of claims 16 and 32 wherein the establishing, the monitoring, and the responding are accomplished periodically over time (Column 15, lines 25 – 31).

Regarding claims 29 and 45, Hino teaches the method of claims 16 and 32 wherein the responding comprises at least one of storing the state of the at least one status parameter and displaying the state of the at least one status parameter (Column 11, lines 7 – 27).

Regarding claims 30 and 46, Hino teaches the method of claim 16 wherein the establishing the communication link is automatically initiated by the first system (Column 15, lines 25 – 31).

Regarding claims 31 and 47, Hino teaches the method of claim 16 wherein the establishing the communication link is automatically initiated by the at least one media peripheral (Column 11, lines 7 – 27, where the media peripheral automatically sends updates to the GW apparatus and connected remote control devices).

Regarding claims 19 and 35, Hino teaches the method of claims 16 and 32.

Hino does not explicitly indicate that the control device can be a wired connection.

Examiner takes Official Notice (see MPEP § 2144.03) that "a control device that is connected over the internet can also be connected using a wired connection".

Regarding claims 48 and 49, Hino teaches the method of claims 16 and 32, comprising automatically not monitoring and not responding to a state of the at least one status parameter, if the authorization is not successful (Col. 8, lines 20 – 22).

Claims 17-18, 26, 28, 33-34, 42, and 44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hino in view of Narasimhan, and in further view of Krzyzanowski (2004/0003051).

Regarding claims 17 and 33, Hino teaches the method of claims 16 and 32.

Hino does not explicitly indicate wherein the at least one media peripheral comprises one of a digital camera, a personal computer, a digital camcorder, a MP3 player, a mobile multi-media gateway, a home juke-box, and a personal digital assistant.

Krzyzanowski teaches a home appliance gateway (Paragraph 34) that includes one of a digital camera, a personal computer, a digital camcorder, a MP3 player, a mobile multi-media gateway, a home juke-box, and a personal digital assistant (Abstract).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to increase the home appliances that the gateway to monitor in

Hino to include the many other devices controlled in Krzyzanowski in order to expand the variety of devices that can be remotely controlled in Hino.

Regarding claims 18 and 34, Hino teaches the method of claims 16 and 32.

Hino does not explicitly indicate wherein the at least one media peripheral comprises a processor running at least one of media capture software and media player software.

Krzyzanowski teaches a home appliance gateway (Paragraph 34) that includes a media peripheral that comprises a processor running at least one of media capture software and media player software (Abstract, the MP3 player and Figure 1, element 108, the camera).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to increase the home appliances that the gateway to monitor in Hino to include the many other devices controlled in Krzyzanowski in order to expand the variety of devices that can be remotely controlled in Hino.

Regarding claims 26 and 42, Hino teaches the method of claims 16 and 32.

Hino does not explicitly indicate wherein at least one of the first system and the second system comprises a television based media processing system.

Krzyzanowski teaches a home appliance gateway (Paragraph 34) that includes the ability to control and transmit video, like baby monitors, security cameras, and television signals (Paragraph 34).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to increase the home appliances that the gateway to monitor in

Hino to include the many other devices controlled in Krzyzanowski in order to expand the variety of devices that can be remotely controlled in Hino.

Regarding claims 28 and 44, Hino teaches the method of claims 16 and 32.

Hino does not explicitly indicate wherein the establishing, the monitoring, and the responding are accomplished at one or more pre-designated times.

Krzyzanowski teaches a home appliance gateway (Paragraph 34) that includes using scheduled times to send signals to the central server and commands and monitor messages to the home appliances (Paragraph 135, where the profile is stored on the protocol client device).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use Krzyzanowski's system of sending scheduled commands and connections in Hino's system in order to provide reliable scheduled events and status updates for appliances in the network.

Claims 24 and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hino in view of Narasimhan, and in further view of Eytchison (6363434).

Regarding claims 24 and 40, Hino teaches the method of claims 16 and 32.

Hino does not explicitly indicate wherein at least one of the first system and the second system comprises a set-top-box based media processing system.

Eytchison teaches a gateway that can control a plurality of home appliances, wherein the gateway can be a set-top-box (Column 4, lines 32 – 38).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use Eytchison's teaching of a home server being a set-top-box in

Hino's system in order to allow the gateway to be more convenient and available to a home residence.

(10) Response to Argument

The appellant argues that the combination of Hino and Narasimhan does not teach "monitoring, by the first system, at least one status parameter of at least one media peripheral." See August 28, 2008 Appeal brief pgs 6-8.

The examiner disagrees:

While the appellant is correct in asserting that Hino is more concerned with controlling home appliance devices, the system in Hino also must receiving status parameters from those controlled devices to help the user or system perform those control functions. Hino performs its appliance control system by remotely transmitting a appliance panel information to the device that is attempting to send control commands to the home appliance. See Hino at Col. 7, line 62 - Col. 8, line 19. As part of that panel information, Hino discloses that a GW apparatus operates to produce that panel information in part by searching each home appliance for panel information (See *id.* at Col. 7, lines 15 – 21) where the panel information is comprised at least in part of the status or state information of those home appliances. See *id.* at Col. 9, lines 11 – 18; see also *id.* at Col. 11 at lines 7 – 27. Finally, Hino teaches that the state changes of the Home appliances get sent to the control devices in the form of panel information.

See id. at Col. 11, lines 29 – 46. In conclusion, Hino's control devices actively receive updated state or "status parameter" changes which are reflected in the panel information display that the control device uses to issue commands to the home appliances. Since Hino teaches the GW apparatus responding to a communication request from the control information with panel information of the home appliance, this anticipates or suggests that the control device is receiving at least one status parameter in response to the control device's request.

The appellant argues that the combination of Hino and Narasimhan does not teach the various automatic limitations of the claim. See August 28, 2008 Appeal brief pgs 9-14. More specifically, the appellant argues that the Narasimhan does not suggest automatically establishing a communication link, automatically determining authorization, or automatically monitoring. See id. at 12-13.

The examiner disagrees:

The appellant's arguments seem to imply the idea that for the combination of Hino and Narasihman to teach the limitations of the claim, either Hino or Narasihman must teach the entire limitations of

automatically establishing a communication link between the first system and the at least one media peripheral; automatically determining authorization for monitoring of the at least one media peripheral; automatically monitoring, by the first system, at least one status parameter of the at least one media peripheral.

See id.

The examiner disagrees with this assertion. The rejection of these limitations is based on the combination of Hino and Narasihman and, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

As seen in the grounds of rejection listed above, Hino teaches:
establishing a communication link between the first system and the at least one media peripheral (Column 8, lines 12 – 14; lines 22 – 25, where the control device is requesting panel information from the GW apparatus);
determining authorization for monitoring of the at least one media peripheral (Column 19, lines 4 – 10; lines 21 – 22, where the GW apparatus determines where the terminal is authorized to request or perform the requested action);
monitoring, by the first system, at least one status parameter of the at least one media peripheral (Column 9, lines 13 – 18, see above for a detailed explanation of this limitation), if the authorization is successful (Column 8, lines 14 – 25).

The appellant has provided no arguments disputing this position. The office action does not reply upon Hino for the idea that these steps are performed automatically, as required from the claim limitations. Narasimhan discloses a remote monitoring system which utilizes a remote client which access devices over a network using their virtual control panel. See Narasimhan Col. 5, lines 39 – 45. Narasimhan teaches a further embodiment which allows the client to be further automated to access the devices on a network and collect status information from those devices and perform

other more advanced device control. See Narasimhan Col. 5, lines 53 – 62. One of ordinary skill in the art could read the teaching of Narasimhan and use that teaching to provide these benefits to the system in Hino. By combining the teaching of Narasimhan with Hino, Hino's control device can be further programmed to automatically access the home appliances and poll status information and perform device control. This combination would not subtract out the authorization teaching of Hino so each connection from the control device, whether initiated by a user or by the programmed control device still would have to be authorized by the GW apparatus.

As result, the combination of Hino with the improvement taught in Narasimhan would result in the automation of the monitoring and connection of the control device to the GW apparatus in Hino.

Regarding claims 21 and 37, the appellant argues that Hino does not anticipate or suggest a status parameter comprises an on/off indication. See August 28, 2008 Appeal Brief, pg 15.

The examiner disagrees:

As described above, Hino teaches a control device receiving state or status information of home appliances in the form of panel information. See Hino at Col. 11, lines 22 - 46. Hino further teaches that the GW apparatus monitors the status and allows to be controlled the turning off and on of lighting fixtures. See *id.* at Col. 9, lines

14 - 25. It is clear from this disclosure that the monitored status of the lighting, whether being on or off is part of the panel information that gets sent to the control device.

Regarding claims 30 and 46, the appellant argues that the combination of Hino and Narasimhan does not teach or suggest that establishing the communication link is automatically initiated by the first system. See August 28, 2008 Appeal Brief, pg 15.

The examiner disagrees:

In the grounds of the rejection, Hino's disclosure of the control device is being relied upon to teach the claimed "first system." The control device in Hino acquires the panel information from the GW apparatus in response to a control request. See Hino, Col. 8, lines 1 – 11. As described above, Narasimhan is providing a teaching of improving Hino's control device by programming it to operate automatically to acquire information from control devices. The combination of Hino and Narasimham would provide the automation of the request that gets made by the control device in Hino.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

/Kevin Bates/

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